



05-09-02

1653

Patent Docket P1007R1C1
PHT4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Avi J. Ashkenazi
Serial No.: 10/081,280
Filed: February 21, 2002
For: APO-2LI AND APO-3 POLYPEPTIDES

Group Art Unit: 1653

Examiner: to be assigned

Confirmation No. 2465

TECH CENTER 1600/00

MAY 10 2002

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CERTIFICATE OF EXPRESS MAILING

Express Mail Number: EV 016055917 US

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to "Assistant Commissioner of Patents, Washington, D.C. 20231.

May 7, 2002

Mona Beltran

TRANSMITTAL LETTER

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

Transmitted herewith are the following documents:

1. Information Disclosure Statement
2. Form PTO-1449 with 6 references.
3. Postcard

In the event any additional fees are due in connection with the filing of these documents, the Commissioner is authorized to charge such fees to our Deposit Account No. 07-0630.

Respectfully submitted,

GENENTECH, INC.

By:
Diane L. Marschang
Reg. No. 35,600
Telephone No. (650) 225-5416

Date: May 7, 2002



09157

PATENT TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Inter Application of Avi J. Ashkenazi Serial No.: 10/081,280 Filed: February 21, 2002 For: APO-2LI AND APO-3 POLYPEPTIDES	Group Art Unit: 1653 Examiner: Not yet assigned Confirmation No. 2465 <div style="text-align: center;"> CERTIFICATE OF EXPRESS MAILING Express Mail Number: EV 016055917 US </div> <div style="text-align: center;"> I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to "Assistant Commissioner of Patents, Washington, D.C. 20231". </div> <div style="text-align: right;"> May 7, 2002  Mona Beltran </div>
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INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner of Patents
 Washington, D.C. 20231

Sir:

Applicant submits herewith patents, publications or other information (attached hereto and listed on the attached revised Form PTO-1449) of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56.

This Information Disclosure Statement is filed in accordance with the provisions of:

(X) **37 CFR §1.97(b)**

- within three months of the filing date of the application other than a continued prosecution application under 37 CFR §1.53(d); **or**
- within three months of the date of entry of the national stage of a PCT application as set forth in 37 CFR §1.491, **or**
- before the mailing of the first Office action on the merits; **or**
- before the mailing of the first Office action after the filing of a request for a continued examination under 37 CFR §1.114.

A list of the patents or publications is set forth on the attached revised Form PTO-1449 (Modified). A copy of the references identified as item numbers 1, 26, 27, 30, 138, and 284 on PTO-1449 are supplied herewith. Those patents or publications which are marked with an asterisk (*) in the attached PTO-1449 form are not supplied because they were previously cited by or submitted

to the Office in prior application Serial No. 08/829,270, filed March 31, 1997 and relied upon in this application for an earlier filing date under 35 USC §120.

Applicant also wishes to bring to the Examiner's attention the following co-pending US applications filed by Applicant and which disclose subject matter relating to the instant application: 08/625,328 filed April 1, 1996; 08/800,699 filed February 14, 1997; 09/884,733 filed June 19, 2001; 08/828,683 filed March 31, 1997; 09/993,234 filed November 19, 2001; 10/112,793 filed March 28, 2002; 08/928,069 filed September 11, 1997; and 10/112,193 filed March 28, 2002.

A concise explanation of relevance of the items listed on PTO-1449 is:
 (X) not given

- 0 given for each listed item
- 0 given for only non-English language listed item(s) (Required)
- 0 in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references.

In accordance with 37 CFR §1.97(g), the filing of this information disclosure statement shall not be construed as a representation that a search has been made.

In accordance with 37 CFR §1.97(h), the filing of this information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 CFR § 1.56(b).

In the event that the Office determines a fee to be due where none is specifically authorized in this paper, the U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement under 37 CFR §1.17(p).

Respectfully submitted,

GENENTECH, INC.

By: Diane L. Marschang
Diane L. Marschang
Reg. No. 35,600
Telephone No. (650) 225-5416

Date: May 7, 2002



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PATENT TRADEMARK OFFICE

FORM PTO-1449		U.S. Dept. of Commerce Patent and Trademark Office		Atty Docket No. P1007R1C1	Serial No. 10/081,280
LIST OF DISCLOSURES CITED BY APPLICANT <i>(Use several sheets if necessary)</i>				Applicant Ashkenazi	
				Filing Date 21 Feb 2002	Group 1653

U.S. PATENT DOCUMENTS

Examiner Initials	TRADEMARK OFFICE 25	Document Number	Date	Name	Class	Subclass	Filing Date
		1 2002/0009773A1	24.01.02	Yu, G. et al.			MAY 10 2002
*	2	3,691,016	12.09.72	Patel, R.			
*	3	3,969,287	13.07.76	Jaworek et al.			
*	4	4,179,337	18.12.79	Davis et al.			
*	5	4,195,128	25.03.80	Hildebrand et al.			
*	6	4,229,537	21.10.80	Hodgins et al.			
*	7	4,247,642	27.01.81	Hirohara et al.			
*	8	4,301,144	17.11.81	Iwashita et al.			
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*	14	4,601,978	22.07.86	Karin, M.			
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*	28	0,003,089 A1	25.07.79	EPO (ENGLISH ABSTRACT ATTACHED)				
*	29	036,766	30.09.81	EPO				
	30	036,776 A2	30.09.81	EPO				
*	31	073,657	09.03.83	EPO				
*	32	117,058 A2	29.08.84	EPO				
*	33	117,060 A2	29.08.84	EPO				

Examiner _____ Date Considered _____

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449		U.S. Dept. of Commerce Patent and Trademark Office		Atty Docket No. P1007R1C1	Serial No. 10/081,280
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FOREIGN PATENT DOCUMENTS

Examiner Initials	Document Number	Date	Country	Class	Subclass	Translation Yes No	RECEIVED MAY 10 2002
<i>TRADEMARK</i>	* 34 125,023 A1	14.11.84	EPO				
	* 35 173,494	05.03.86	EPO				
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	* 43 266,710	12.04.89	GERMANY (ENGLISH ABSTRACT ONLY)				
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	* 45 93/08829		PCT				
	* 46 WO 87/05330	11.09.87	PCT				
	* 47 WO 89/02922	06.04.89	PCT				
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	* 50 WO 91/00358	10.01.91	PCT				
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	* 52 WO 91/08291	13.06.91	PCT				
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	* 57 WO 95/10540	20.04.95	PCT				
	* 58 WO 95/11301	27.04.95	PCT				
	* 59 WO 95/31544	23.11.95	PCT				
	* 60 WO 97/33904	18.09.97	PCT				
	* 61 WO 97/37020	09.10.97	PCT				
	* 62 WO 98/14565	09.04.98	PCT				
	* 63 2,211,504	05.07.89	UNITED KINGDOM				

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* 64	Adams et al., "Molecular cloning of mouse immunoglobulin heavy chain messenger ribonucleic acids coding for μ , α , γ_1 , γ_2a , and γ_3 chains" <u>Biochemistry</u> 19:2711-2719 (1980)
* 65	Amakawa et al., "The Hodgkin Disease Antigen CD30 is Crucial for Antigen-Induced Death of Developing T Cells" <u>Symposium on Programmed Cell Death</u> (Abstract No. 10), Cold Spring Harbor Laboratory (1995)
* 66	Aplin and Wriston, "Preparation, Properties, and Applications of Carbohydrate Conjugates of Proteins and Lipids" <u>CRC Crit. Rev. Biochem.</u> 10(4):259-306 (1981)

Examiner	Date Considered
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		Filing Date 21 Feb 2002	Group 1653			
MAY 07 2002 OTHER DISCLOSURES (Including Author, Title, Date, Pertinent Pages, etc.)						
<p style="text-align: right;">RECEIVED TECH CENTER 1600-290 MAY 10 2002</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">PATENT & TRADEMARK OFFICE</td> <td style="width: 90%;"> <p>* 67 Ashkenazi and Chamow, "Immunoadhesins: An Alternative to Human Monoclonal Antibodies" <u>Methods A Companion to Methods in Enzymology</u> 8:104-115 (1995)</p> <p>* 68 Ashkenazi et al., "Protection Against Endotoxic Shock by a Tumor Necrosis Factor Receptor Immunoadhesin" <u>Proc. Natl. Acad. Sci.</u> 88:10535-10539 (1991)</p> <p>* 69 Autologous Bone Marrow Transplantation: Proceedings of the Third International Symposium, <u>Dickie et al.</u> University of Texas M.D. Anderson Hospital (1987)</p> <p>* 70 Baldwin, A., "The NF-KB and IKB Proteins: New Discoveries and Insights" <u>Ann. Rev. Immunol.</u> 14:649-683 (1996)</p> <p>* 71 Banerji et al., "A Lymphocyte-specific Cellular Enhancer Is Located Downstream of the Joining Region in Immunoglobulin Heavy Chain Genes" <u>Cell</u> 33:729-740 (July 1983)</p> <p>* 72 Banner et al., "Crystal Structure of the Soluble Human 55 kd TNF Receptor-Human TNFβ Complex: Implications for TNF Receptor Activation" <u>Cell</u> 73:431-445 (1993)</p> <p>* 73 Barr and Tomei, "Apoptosis and Its Role in Human Disease" <u>Bio/Technology</u> 12:487-493 (1994)</p> <p>* 74 Bianchi et al., "Transformation of the yeast Kluyveromyces lactis by New Vectors Derived from the 1.6 μm Circular Plasmid pKD1" <u>Curr. Genet.</u> 12:185-192 (1987)</p> <p>* 75 Bodmer et al., "TRAMP, a Novel Apoptosis-Mediating Receptor with Sequence Homology to Tumor Necrosis Factor Receptor 1 and Fas(Apo-1/CD95)" <u>Immunity</u> 6:79-88 (1997)</p> <p>* 76 Boerner et al., "Production of Antigen-Specific Human Monoclonal Antibodies From In Vitro-Primed Human Splenocytes" <u>The Journal of Immunology</u> 147(1):86-95 (1991)</p> <p>* 77 Boldin et al., "Involvement of MACH, a Novel MORT1/FADD-Interacting Protease, in Fas/APO-1- and TNF Receptor-Induced Cell Death" <u>Cell</u> 85:803-815 (1996)</p> <p>* 78 Boldin et al., "Self-Association of the "Death Domains" of the p55 Tumor Necrosis Factor (TNF) Receptor and Fas/APO1 Prompts Signaling for TNF and Fas/APO1 Effects" <u>Journal of Biological Chemistry</u> 270:387-391 (1995)</p> <p>* 79 Boulian et al., "Production of functional chimaeric mouse/human antibody" <u>Nature</u> 312:643-646 (December 13, 1984)</p> <p>* 80 Bradley, "Production and Analysis of Chimaeric Mice" <u>Teratocarcinomas and Embryonic Stem Cells: A Practical Approach</u>, E. J. Robertson, ed., IRL, Oxford, Chapter 5, pps. 113-151 (1987)</p> <p>* 81 Brockhaus et al., "Identification of two types of tumor necrosis factor receptors on human cell lines by monoclonal antibodies" <u>Proc. Natl. Acad. Sci. 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<i>MAY 07 2002</i>		Filing Date 21 Feb 2002	Group 1653	TECH CENTER 1600/900
OTHER DISCLOSURES (Including Author, Title, Date, Pertinent Pages, etc.)				
* 88	Byrn et al., "Biological Properties of a CD4 Immunoadhesin" <u>Nature</u> 344:667-670 (April 12, 1990)			
* 89	Canaani et al., "Regulated Expression of Human Interferon β_1 Gene After Transduction into Cultured Mouse and Rabbit Cells" <u>Proc. Natl. Acad. Sci. USA</u> 79:5166-5170 (September 1982)			
* 90	Capon et al., "Designing CD4 Immunoadhesins for AIDS Therapy" <u>Nature</u> 337:525-531 (1989)			
* 91	Carter et al., "Humanization of an Anti-p185HER2 Antibody For Human Cancer Therapy" <u>Proc. Natl. Acad. Sci. USA</u> 89:4285-4289 (May 1992)			
* 92	Chamow et al., "A Humanized, Bispecific Immunoadhesin-Antibody That Retargets CD3+ Effectors to Kill HIV-1-Infected Cells" <u>Journal of Immunology</u> 153:4268-4280 (1994)			
* 93	Chang et al., "Phenotypic Expression in E. coli of a DNA Sequence Coding for Mouse Dihydrofolate Reductase" <u>Nature</u> 275:617-624 (October 19, 1978)			
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* 95	Chinnaiyan and Dixit, "The Cell-Death Machine" <u>Current Biology</u> 6:555-562 (1996)			
* 96	Chinnaiyan et al., "FADD, a novel death domain-containing protein, interacts with the death domain of Fas and initiates apoptosis" <u>Cell</u> 81:505-512 (1995)			
* 97	Chinnaiyan et al., "FADD/MORT1 Is a Common Mediator of CD95 (Fas/APO-1) and Tumor Necrosis Factor Receptor-induced Apoptosis" <u>Journal of Biological Chemistry</u> 271:4961-4965 (1996)			
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<p style="text-align: center;">OTHER DISCLOSURES (Including Author, Title, Date, Pertinent Pages, etc.)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;">MAY 07 2002</td> <td colspan="4"></td> </tr> <tr> <td colspan="5"> <p>Upton et al., "Myxoma virus expresses a secreted protein with homology to the tumor necrosis factor receptor gene family that contributes to viral virulence" <u>Virology</u> 184:370-382 (1991)</p> <p>*308 Upton et al., "Tumorigenic poxviruses: genomic organization and DNA sequence of the telomeric region of the shope fibroma virus genome" <u>Virology</u> 160:20-30 (1987)</p> <p>*309 Urlaub and Chasin, "Isolation of Chinese Hamster Cell Mutants Deficient in Dihydrofolate Reductase Activity" <u>Proc. Natl. Acad. Sci. 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